

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5499 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

M A SHAIKH

Versus

PUNAMCHAND P PATEL

Appearance:

MR MR ANAND for Petitioners
MR HARIN RAVAL for MR P.M. RAVAL for Respondent No. 1
MR V.M.PANCHOLI, AGP for the Resp. No.5

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 02/11/1999

ORAL JUDGEMENT

The petitioners have challenged the notice at Annexure "E" dated 29.9.1987, postponing the proceedings of 30th Sept. 1987 of the Primary Education Committee and the order at Annexure "G" dated 1.10.1987, requiring the existing Chairman and Vice-Chairman to continue until the election for the post of Chairman and Vice Chairman of the Primary Education Committee. The Court had, while

issuing rule on 15.10.87, granted ad-interim relief in terms of para 13, thereby preventing further implementation of the order at Annexure "G". The petition was filed on 13.10.1987 and it was stated therein that the last election of the Nagar Palika was held in 1986 and the election of the Primary Education Committee, which is to be constituted after every election of the Nagar Palika also took place in Nov. 1986. Under Section 8 of the Gujarat Municipalities Act, 1963, the Councillors elected or nominated at a general election under the said Act, hold office for a term of five years. Under Section 6(2) of the Bombay Primary Education Act, 1947, it is provided that whenever a new authorised Municipality has been constituted, it shall elect the members of the school Board (now the Primary Education Committee), as soon as possible. During the pendency of the petition, it is stated by the learned Counsel, more than one elections to the Municipality have taken place, requiring the new Primary Education Committee to be constituted after such election. In this view of the matter, the present petition has become infructuous and is rejected as such. Rule is discharged with no order as to costs. Interim relief stands vacated.

* /Mohandas